

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

ALLSTATE LIFE INSURANCE  
COMPANY,

Plaintiff,

v.

MARY LOU McBREARTY, CAROL  
VILCKO, and FRANK FALCONE,

Defendants.

CIVIL ACTION NO. 3:11-CV-1860

(JUDGE CAPUTO)

**ORDER**

**NOW** this 24th day of May, 2013, **IT IS HEREBY ORDERED** that:

- (1) Defendant Mary Lou McBrearty's Motion to Dismiss (Doc. 9) is **GRANTED**.
- (2) The crossclaim filed by Defendants Carol Vlicko and Frank Falcone (Doc. 7) is **DISMISSED WITH PREJUDICE**.
- (3) Plaintiff Allstate Life Insurance Company's Motion for Summary Judgment (Doc. 30) is **GRANTED** with respect to its First Amended Complaint for Interpleader (Doc. 3) and Defendant McBrearty's counterclaim (Doc. 6).
- (4) Plaintiff shall deposit the death benefit provided for under annuity no. GA0686886 ("the Annuity"), along with any accrued interest, with the Court registry in an interest bearing account within twenty days of the date of this Order. Upon payment of the funds with the Clerk of Court, Plaintiff shall be released and discharged from any further liability to any party in this action arising out of the Annuity.
- (5) Plaintiff's Motion to Dismiss (Doc. 16) is **DISMISSED AS MOOT**.

/s/ A. Richard Caputo  
A. Richard Caputo  
United States District Judge